

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 13th DAY OF AUGUST 2007, AT 6:30 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Steve L. Spradlin	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Angie Hill	-Finance & Management Services Director
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

ADD TO THE AGENDA - ADDENDUM

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the following addendum dated August 13, 2007 was added to the agenda under Closed Meeting:

Section 2.2-3711

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
6. Personnel
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
 1. Prices Fork Elementary School Site
 2. Courthouse

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	
James D. Politis	
Annette S. Perkins	
Steve L. Spradlin	

INTO CLOSED MEETING

On a motion by Doug Marrs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

Section 2.2-3711

- | | |
|------------------|---|
| Section 2.2-3711 | (1) Discussion , Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body |
| | <ul style="list-style-type: none">1. Office on Youth Advisory Board2. Parks & Recreation Commission3. Social Services Board4. Towing Advisory Board5. Transportation Safety Commission6. Personnel |
| | (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body |
| | <ul style="list-style-type: none">1. Prices Fork Elementary School Site2. Courthouse |

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
James D. Politis	
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	
Annette S. Perkins	
Steve L. Spradlin	

OUT OF CLOSED MEETING

On a motion by Doug Marrs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Gary D. Creed	
John A. Muffo	
Mary W. Biggs	
Annette S. Perkins	
Doug Marrs	
Steve L. Spradlin	

CERTIFICATION OF CLOSED MEETING

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Gary D. Creed
John A. Muffo
Mary W. Biggs
Annette S. Perkins
Doug Marrs
James D. Politis
Steve L. Spradlin

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

The invocation was given by Chair Spradlin.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DELEGATION

Metropolitan Planning Organization (MPO) – Route 460 Connector Corridor Study

Dan Brugh, Executive Director of the MPO, provided an update on the Route 460 Connector Corridor Study. The MPO Technical Advisory Committee (TAC) submitted the following recommendations on the Route 460 Connector Corridor:

1. Use the green alignment for the western connection to Prices Fork Road.
2. Eliminate the connection to Remington Road.
3. Eliminate the widening of Prices Fork Road as an option.
4. Add a connection to Merrimac Road that continues straight into the connector at the 90 degree curve on Merrimac Road. This provides a straight connection road between Prices Fork Road and the Connector Road.

5. Eliminate the connection to Tall Oaks Drive. A connection to the Hethwood area will be reviewed by the Town of Blacksburg and Virginia Tech and may be included at a later date.
6. Prepare necessary information to schedule a public hearing pending decision on Item #5.

Mr. Brugh reported that the MPO accepts and concurs with the recommendations by the TAC.

Mr. Brugh advised the Board that the Route 460 Connector is a mid- to-long term project. Currently, there is no funding available for this project and it is not included in the State's Six Year Road Plan.

Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, updated the Board on road projects and general maintenance projects scheduled in Montgomery County. Mr. Clarke reported that Montgomery County did receive revenue sharing money this year in the amount of \$250,000. Matched with the County's share this totals \$500,000. Per the Board of Supervisors' resolution dated December 18, 2006, the following roads are on the County's Revenue Sharing List: Blue Springs Road, (SR 613) stabilized and pave existing roadway, Crab Creek Road, (SR 660) stabilize and pave existing roadway, Woodrow Road, (SR 644) improve drainage, and Quartz Lane, (SR 768) minor widening and paving.

Mr. Clarke advised that VDOT will begin bridge repair work on Rt. 11 in Plum Creek and paving on Rt. 11 from Radford to Christiansburg. Also, pipe replacement will begin on North Fork Road (SR 603).

Supervisor Marrs reported he received numerous calls from residents on Pollard Road regarding the paving on Woodrow Road and asked why Pollard Road was not being paved as well. Mr. Clarke advised that Pollard Road is scheduled to be paved with Revenue Sharing funds, which were just appropriated in July, for this road. Portions of Woodrow Road are being paved under VDOT's annual maintenance program and is on the summer paving schedule.

Supervisor Perkins requested an update on plans for spot widening on Craigs Creek Road. Mr. Clarke advised that plans to start this project in late summer or early fall of 2007.

Supervisor Creed requested guardrail replacement/repair along Christiansburg Mountain and in Ironto near suicide hill. He also requested old guardrail to be picked up that is lying on the side of the road along Christiansburg Mountain.

Supervisor Spradlin asked when the community meeting for Big Vein Road, which is priority #1 on the County's Rural Addition List, is going to be scheduled by VDOT. Mr. Clarke advised that VDOT staff is in the process of getting everything in order and will contact Supervisor Spradlin on this issue.

Supervisor Spradlin reported that the new stone that was put down on Stroubles Creek is creating dust. He requested calcium chloride be put down to help control the dust. Supervisor Spradlin also reported that ditch work is being done near the first house on the left on Stroubles Creek and VDOT has cut across the driveway. VDOT employees told the homeowner they were not going to put a drain pipe in the ditch. Supervisor Spradlin believes a pipe is needed and asked Mr. Clarke to look into this matter.

Supervisor Spradlin thanked VDOT for painting the yellow stripes on Merrimac Road; however, there are still numerous potholes that need repair.

Supervisor Spradlin asked for an update on the Board's request to reduce the speed limit to 35 mph on Mt. Zion Road from Glade/Brooksfield Road to Lick Run Road. This request was forwarded to VDOT in February 2007. Also requested was brush cutting along Mt. Zion Road and ditch work near Old Creek Road.

PUBLIC ADDRESS

There being no speakers, the public address session was closed.

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Spay/Neuter Proposal – Montgomery County Friends of Animal Care and Control.
2. Gypsy Moth

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Mary W. Biggs	
Annette S. Perkins	
Doug Marrs	
James D. Politis	
Gary D. Creed	
Steve L. Spradlin	

Spay/Neuter Proposal – Montgomery County Friends of Animal Care and Control (MCFACC)

Jason Shelton, MCFACC, made a presentation on the background of the MCFACC, current Montgomery County adoption procedures, and proposed changes to the adoption procedures.

Mr. Shelton stated that the MCFACC was created in 2006 with volunteers to help with the operation of Montgomery County's Animal Shelter. Their goals are to extend shelter hours, establish spay-neuter program, promote responsible pet ownership, and fundraising for a new animal shelter.

Mr. Shelton reported that Montgomery County's current adoption procedures are \$10 per dog and puppies are free. Per State law, the animal must be spayed or neutered within 30 days and puppies must be spayed or neutered once they reach 6 months of age. Animal Control Officers must follow up on every adoption to ensure spay/neuter was completed, which is cumbersome, costly, time consuming, and ineffective.

MCFACC is proposing to amend the County's policy as follows:

- Apply adoption fees to all dogs regardless of age. Currently \$10.00
- Require a prepay spay (\$65.00)/neuter (\$60.00) for all adoptions
- Allow MCFACC to coordinate spay/neuter program with the Angels of Assisi mobile clinic. This would reduce follow-up time, reduce total number of unwanted pets, promote responsible pet ownership, and educate the public on benefits of spay/neuter.

Mr. Shelton asked the Board to consider MCFACC's proposal to amend the County's Adoption Policy.

The County Administrator reported that this proposal will be on the Board's August 27th agenda for consideration.

Virginia Cooperative Extension Gypsy Moth Suppression Program

The County Administrator provided an update on the Gypsy Moth Suppression Program. As previously reported Montgomery County was informed they were included in the area for participation for the Suppression Program.

If the Board wishes to establish a gypsy moth suppression program, the first responsibility to be eligible to participate is to appoint or hire a gypsy moth coordinator to handle the local workload and to coordinate with the Virginia Department of Agriculture and Consumer Services . The coordinator will be charged with conducting public meetings and conduct field surveys to determine the amount of county forests infested. The survey will be conducted by counting egg masses per acre. Once the field survey is completed, the coordinator will be responsible for additional follow up with the public, ascertain if landowners wish to participate, and establish a proposed aerial treatment plan.

Participating localities are expected to incur the cost of the Coordinator and related expenses and 50% of the aerial spraying. The County Administrator contacted Larry Nichols, Coordinator for Virginia's Gypsy Moth Suppression Program, to discuss the ongoing state program and what changes are to be expected for the upcoming year. Mr. Nichols advised that last year the state did not reimburse localities the 50% local match for administrative or survey work. He believes this will continue in the 2008 program.

Therefore, the estimated cost to participate in this program is as follows:

Coordinator Salary	\$16,000
Benefits/Office Expenses	<u>6,000</u>
	\$22,000
Spraying Costs:	
1500 acres @\$50.00	75,000
County match @ 50%	<u>\$37,500</u>
Total County Costs	\$59,500

If the Board chooses to participate in the 2008 Gypsy Moth Suppression Program, the projected cost to participate is approximately \$60,000. The Board has the option to charge the 50% aerial spraying cost to the property owners, which would reduce the county expense to \$22,000 or the County could elect to pay for the spraying cost for a total estimated cost of \$60,000. The County Administrator noted that the purpose of this program is to slow the movement of the gypsy moth but it will not totally eliminate this population.

At this time Board members discussed the pros and cons of the program. Board members expressed concern with gypsy moth in Montgomery County and the damage that can be done to the forest if nothing is done. The most affected areas are in Supervisors Biggs, Perkins, and Spradlin's districts and citizens have expressed concerns with the gypsy moth.

Supervisor Creed is concerned about funding a program that will not totally eliminate the gypsy moth. The program cannot guarantee that the gypsy moth will not spread to other areas of the County. He also expressed concerns that if the Jefferson National Forest is not sprayed then it would be a mute effort on the County's part to participate.

By consensus, the Board agreed to add a resolution to the next agenda for consideration.

OUT OF WORK SESSION

On a motion by Doug Marrs, seconded by Gary D. Creed and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Doug Marrs	
Mary W. Biggs	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Steve L. Spradlin	

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the Consent Agenda dated August 13, 2007 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Annette S. Perkins	
Doug Marrs	
James D. Politis	
Gary D. Creed	
John A. Muffo	
Steve L. Spradlin	

Approval of Minutes – July 9, 2007

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the minutes dated July 9, 2007 were approved.

A-FY-08-26 STATE AND LOCAL HOSPITALIZATION TRANSFER FROM GENERAL CONTINGENCIES

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:		
950	General Contingencies	(\$283)
TO:		
910	Outside Agencies – State and Local Hospitalization	\$283

Said resolution transfers appropriated funds from General Contingencies to the State and Local Hospitalization Program to cover invoices received from the state for the State and Local Hospitalization Program.

A-FY-08-27 CLERK OF CIRCUIT COURT TECHNOLOGY TRUST FUND

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

250	Clerk of Circuit Court	\$138,070
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
02250-423100	Shared Expenses	\$138,070

Said resolution appropriates Technology Trust Fund monies to cover the cost of ADP Equipment for the Clerk's office.

**A-FY-08-28
COMMONWEALTH'S ATTORNEY**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008 for the function and in the amount as follows:

220	Commonwealth's Attorney	\$436
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419104	Confiscations	\$436

Said resolution appropriates monies received in the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

**A-FY-08-29
PARKS & RECREATION**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

700	Parks and Recreation	\$866
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
416010	Fees	\$866

Said resolution appropriates fees received for programs for use by Parks and Recreation.

**A-FY-08-30
RINER FIRE DEPARTMENT
GRANT FUNDING**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

330 Riner Fire Department \$2,232

The source of the funds for the foregoing appropriation is as follows:

Revenue Account

451205 Designated Fund Balance \$2,232

Said resolution appropriates grant funds for use by the Riner Fire Department.

A-FY-08-31
SHERIFF – RECOVERED COSTS

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

320	Sheriff – County	\$6,608
321	Sheriff – Grants	\$ 450
	Total	\$7,058

The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

419108	Recovered Costs	\$6,608
424401	Project Lifesaver	450
	Total	\$7,058

Said resolution appropriates recovered costs and project lifesaver funds for use by the Sheriff's department.

OLD BUSINESS

Ordinance Amending County Vehicle License

The County Attorney explained that the proposed ordinance as presented to the Board of Supervisors in their packet was amended to clarify the rate of the vehicle license fee for the remainder of 2007. The current rate of \$20.00 shall remain for the year 2007. An amended ordinance was submitted to the Board for consideration as follows:

Sec. 6-89. Amount of License fee.

~~(a) Automobiles and motorcycles.~~ (a) Motor Vehicles. For the Calendar year 2007, on each and every ~~automobile~~ motor vehicle as provided in this division, there shall be a license fee of twenty dollars (\$20.00). Beginning Calendar year 2008, on each and every motor vehicle as provided in this division there shall be a license fee of twenty-seven dollars and fifty cents (\$27.50) per annum; and on each and every motorcycle a license fee of ten dollars (\$10.00). This license fee shall be for a calendar year, January 1 to December 31.

Considerable discussion took place regarding the amount of the license fee. Several Board members believe the amount of the fee should be kept at the current rate of \$20.00, citing the potential savings upward to \$16,000 with the elimination of the decal and mailing notices. Chair Spradlin advocated for a phased-in approach to help relieve some of the burden of the increase for the citizens.

The Finance Director presented the following options for the Board to consider:

- Option 1: Current Proposal: Raise fee to \$27.50 in FY 08 and give credit of \$7.50.
 Citizen Pays: \$20 in FY 08
 \$27.50 in FY 2009
 \$27.50 in FY 2010
- Option 2: Keep Fee at \$20.00 – No credit in FY 08

 Citizen Pays: \$20 in FY 08
 \$20 in FY 09
 \$20 in FY 10
- Option 3: Raise fee to \$23.50, a 15% increase in FY 08 and give credit of \$2.50 in FY 08.
 Increase 15% in FY 2010 to \$27.50

 Citizen Pays: \$20 in FY 08
 \$23.50 in FY 09
 \$27.50 in FY 10

Supervisor Creed made a motion, seconded by Supervisor Politis to consider Option 2. The motion failed as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	Annette S. Perkins
Gary D. Creed	Doug Marrs
Steve L. Spradlin	Mary W. Biggs
	John A. Muffo

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried, the Board approved Option 3. The vote was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	James D. Politis
John A. Muffo	Gary D. Creed
Doug Marrs	Steve L. Spradlin
Mary W. Biggs	

Supervisor Creed commented for the record that approving the increase of the license fee from \$20.00 to \$23.50 is a 15% increase.

ORD-FY-08-04
AN ORDINANCE AMENDING CHAPTER 6, ARTICLE IV,
DIVISION 2, ENTITLED COUNTY VEHICLE LICENSE
SECTIONS 6-86, 6-87, 6-88, 6-89, 6-91,
6-92, 6-93, AND 6-95 RESPECTIVELY
OF THE CODE OF THE COUNTY OF MONTGOMERY, VIRGINIA
BY INCREASING THE VEHICLE LICENSE FEE
CHANGING WHEN THAT FEE IS DUE AND
BY DELETING THE PRORATION AND REFUND PROVISIONS
AND THE REQUIREMENT TO PURCHASE AND
DISPLAY VEHICLE LICENSE DECALS

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 6, Article IV, Division 2, Entitled County Vehicle License Sections 6-86, 6-87, 6-88, 6-89, 6-91, 6-92, 6-93, and 6-95 respectively of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

DIVISION 2. COUNTY VEHICLE LICENSE

Sec. 6-86. Violations.

It shall be unlawful for any owner or operator of a motor vehicle, ~~trailer, or semitrailer~~ to fail to obtain and display a county vehicle license ~~tin, tag or decal~~ required by this division ~~or to display upon a motor vehicle, trailer, or semitrailer any license county vehicle tin, tag or decal after its expiration date.~~ A violation of this division shall constitute a class 4 misdemeanor. Local law-enforcement officers are authorized to issue citations, summons, parking tickets or uniform traffic summonses for violations of this division. A violation of this division by the registered owner of the vehicle shall not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license ~~tin, tag or decal~~ has been obtained.

Sec. 6-87. Application of division.

(a) The license required by this division shall not be applicable to motor vehicles owned by persons establishing residence within the county after ~~April~~ January first of any license year provided that payment of a similar license fee was paid to the county, city or town from which the new resident just moved ~~is evidenced by a current license tin, tag or decal displayed upon the vehicle issued by that county, city or town~~ and satisfactory evidence of such payment is provided the County Treasurer.

(b) Nothing in this division shall be construed to require a license fee of a person exempted under the provision of the laws of the state or upon any motor vehicle, ~~trailer or semitrailer~~ not required to be licensed by the motor vehicle laws of the state or for motor vehicles owned by the State, by any political subdivision of the State or by the United States Government or vehicles held for sale by any manufacturer or dealer.

Sec. 6-88. ~~Required~~ Imposition of License Fee.

Every person who owns, or has in his or her custody or control, a motor vehicle as defined in Title 46.2 of the Code of Virginia, 1950, as amended, ~~trailer or semitrailer~~ that is normally garaged, stored or parked in the county shall be subject to purchase pay a county license ~~tag, tin or decal~~ fee for such vehicle as provided in this division. This section shall also apply to any person whose domicile is in this county when it cannot be determined where the vehicle is normally garaged, stored or parked. For the Calendar year 2008 and subsequent years, the license fee shall be due on December 5th of the preceding year and shall be billed by the Treasurer at the same time as billing for personal property taxes for the vehicle.

Sec. 6-89. Amount of License fee.

~~(a) Automobiles and motorcycles.~~ (a) Motor Vehicles. For the Calendar year 2007, on each and every ~~automobile~~ motor vehicle as provided in this division, there shall be a license fee of twenty dollars (\$20.00). Beginning Calendar year 2008, on each and every motor vehicle as provided in this division there shall be a license fee of twenty-three dollars and fifty cents (\$23.50) per annum; and on each and every motorcycle a license fee of ten dollars (\$10.00). This license fee shall be for a calendar year, January 1 to December 31.

(b) Special Provision for 2008: The foregoing notwithstanding, for the Calendar year 2008 only, a credit of three dollars and fifty cents (\$3.50) shall be applied to each license purchased for 2008.

~~(b) Trucks, buses, trailers, semitrailer, well-drilling machinery and auto wagons.—~~

~~(1) On each and every truck, bus and auto wagon, not exempt as otherwise provided, there shall be a license fee of twenty dollars (\$20.00).~~

~~(2) On each and every motor vehicle upon which well-drilling machinery is attached and which is permanently used solely for transporting such machinery, there shall be a license fee of twenty dollars (\$20.00).~~

~~(3) On each and every trailer with a gross weight of one thousand five hundred (1,500) pounds or less and all boat trailers, there shall be a fee of five dollars (\$5.00). On all other trailers and semitrailers, there shall be a fee of ten dollars (\$10.00). In the case of a combination tractor-trailer or semitrailer, each vehicle constituting a part of such combination shall be licensed as a separate vehicle and separate tins, tags or decals shall be issued therefor.~~

~~(4) On each and every antique motor vehicle displaying a Virginia antique vehicle license plate, there shall be a fee of ten dollars (\$10.00).~~

(c) *Vehicles not displaying current license plates.* There is hereby imposed an annual license fee of fifty dollars (\$50.00) per vehicle on owners of motor vehicles located in the county which do not display current license plates and which are not exempted from the requirements of displaying such license plates under the provisions of Title 46.2, Chapter 6 of the 1950 Code of Virginia, as amended, and which are not in a public landfill, in an automobile graveyard or in the possession of a licensed automobile dealer. This fee shall be due and payable on April first of each year and will not be considered in default if paid on or before May first of the year in which fee is due.

(d) *Vehicles exempt from license fee.*

(1) A local license ~~plate or decal~~ shall be issued for which there shall be no license fee for any one (1) motor vehicle owned or leased and used personally by any veteran who holds a current state motor vehicle registration card establishing that he or she has received a disabled veteran's exemption from the department and has been issued a disabled veteran's motor vehicle license plate as prescribed in Section 46.2-739 of the Code of Virginia.

(2) A local license ~~plate or decal~~ shall be issued for which there shall be no license fee for any one (1) motor vehicle owned or leased by any active member of a volunteer rescue squad or volunteer fire department.

(e) Nothing in this section shall be applicable to any vehicle being held or stored by or at the direction of any governmental authority, to any vehicle owned by a member of the armed forces on active duty or to any vehicle regularly stored within an enclosed building. Operable vehicles used for businesses conducted on the premises where the vehicles are stored are also exempt. ~~One (1) inoperable vehicle titled in the name of the property owner is also exempt, provided it is located on his or her property and at least fifty (50) feet from any publicly used right of way.~~

Sec. 6-90. Disposition of tax revenue.

The revenue derived from all county motor vehicle licenses under this division shall be paid into the general fund of the county.

Sec. 6-91. County motor vehicle license year.

A county motor vehicle license year shall begin on ~~April~~ January first and shall expire on ~~March~~ December thirty-first of each year.

Sec. 6-92. Proration of fee.

~~Fifty (50) percent of the license fees prescribed by this division shall be collected whenever any license tag, tin or decal is issued during the period beginning on October first in any year and ending on January fifteenth in the same county motor vehicle license year and twenty five (25) percent of such fees shall be collected whenever any license tag, tin or decal is issued after January fifteenth in any county motor vehicle year.~~

Sec. 6-93. License Records tags, tins or decals.

~~(a) *Purchase.* License tags, tin or decals issued by the treasurer of the county pursuant to this division may be purchased for a vehicle owner's initial county motor vehicle license year upon acquisition of the vehicle; for any succeeding county motor vehicle license year the tags,~~

~~tins or decals shall be purchased on or after March first. It shall be lawful to display such license tags, tins or decals after such date.~~

~~(b) *Issuance; display.* Any person coming under the provisions of this division shall make application for license upon forms prescribed by the treasurer of the county and upon payment of the required license fee shall be issued as evidence, tins, tags or decals which shall be conspicuously placed upon the vehicle so licensed in such manner as to be plainly visible. No such license tin, tag or decal shall be placed upon any vehicle other than that for which it was issued.~~

~~(c) *Records.* The county treasurer shall keep a record of each such license tin, tag or decal issued by the treasurer, showing the number of such tin, tag or decal, the person to whom it was issued, the make, model, and identification number of the vehicle for which such license tin, tag or decal is issued, and the state license number of such vehicle.~~

~~(d) *Transfer.* Any such license tin, tag or decal may be transferred from one (1) vehicle to another similar vehicle by presenting the tin, tag or decal to the treasurer for transfer to such other vehicle and upon payment of a fee amount set from time to time by resolution of the board of supervisors. The treasurer shall thereupon transfer the license and issue a new tin, tag or decal to the vehicle to which such transfer is made.~~

~~(e) *Duplicate.* A duplicate tin, tag or decal shall be issued upon affidavit of the applicant that the original tin, tag or decal has been lost, destroyed or mutilated. The fee for a duplicate tin, tag or decal shall be as set from time to time by resolution of the board of supervisors.~~

Sec. 6-94. Payment of personal property tax prerequisite to license.

No vehicle so taxable shall be licensed until the applicant for such license has produced satisfactory evidence that all personal property taxes upon the vehicle to be licensed have been paid and satisfactory evidence that any other delinquent motor vehicle, trailer or semitrailer personal property taxes owed by the applicant have been paid which have been properly assessed or are assessable against the applicant by the county.

Sec. 6-95. Refunds.

~~Any person holding a current license tin, tag or decal who disposes of the vehicle for which it was issued and does not transfer it to another vehicle may surrender the license tin, tag or decal to the treasurer, with whatever proof required by the treasurer that the vehicle for which the license was issued has been disposed of or assigned and request a refund for the unused portion of the fee paid. The treasurer shall then one-half of the cost of the license if application for such refund is made on or before September thirtieth of the license year. No refund shall be made when the application therefore is made after September thirtieth of the license year.~~

The vote on the foregoing ordinance was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	Gary D. Creed
Mary W. Biggs	James D. Politis
Annette S. Perkins	Steve L. Spradlin
John A. Muffo	

ORD-FY-08-05 AN ORDINANCE AMENDING CHAPTER 7, ARTICLE IV, SECTION 7-77, ENTITLED NOISE OF THE CODE OF THE COUNTY OF MONTGOMERY VIRGINIA, BY REMOVING TIME LIMITATIONS AS TO WHEN A SPECIFIED ACT MAY CONSTITUTE A NOISE DISTURBANCE UNDER THE CODE

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that Chapter 7, Article IV, entitled Noise, Section 7-77 of the Code of the County of Montgomery, Virginia, shall be amended and reordained as follows:

Sec. 7-77. Specific prohibitions.

The following acts are declared to be noise disturbances in violation of this article, provided that the acts so specified shall not be deemed to be an exclusive enumeration of those acts which may constitute a noise disturbance under section 7-76 and provided that the acts so specified below may still constitute a noise disturbance under section 7-76 independently of the hours of day the acts take place:

- (1) Operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, or any other device for the production of sound ~~between the hours of 11 p.m., and 7 a.m. the following day~~ in such a manner as to be plainly audible across property boundaries or through partitions common to two (2) residences within a building or plainly audible at fifty (50) feet from such device when operated within a motor vehicle parked on a public right-of-way or in a public place.
- (2) Owning, keeping, possessing or harboring any animal which frequently or habitually howls, barks, meows, squawks, or makes such other noise that is plainly audible across property boundaries or through partitions common to two (2) residences within a building; however, farm animals other than dogs shall be excluded.

The vote on foregoing ordinance was as follows:

AYE

Doug Marrs
James D. Politis
Gary D. Creed
John A. Muffo
Mary W. Biggs
Annette S. Perkins
Steve L. Spradlin

NAY

None

NEW BUSINESS

**R-FY-08-12
RESOLUTION ESTABLISHING THE
PERSONAL PROPERTY TAX RELIEF
PERCENTAGE FOR 2007**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

WHEREAS, The Personal Property Tax Relief Act of 1998, Virginia Code §58.1-3523, et seq. ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

WHEREAS, These legislative enactments required the County of Montgomery, Virginia, to take affirmative steps to implement these changes and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS, These legislative enactments provide for the appropriation to the County of Montgomery, Virginia, commencing in 2006, of a fixed sum to be used exclusively for the provision of tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax ("PPT") on such vehicles and provide the opportunity for the County of Montgomery, Virginia, to fashion a program of tax relief that serves the best interest of its citizenry; and

WHEREAS, The Board of Supervisors adopted an ordinance to implement the changes to PPTRA affected by legislation adopted during the 2004 Special Session I and the 2005 Regular Session of the General Assembly of Virginia on November 28, 2005.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the rate of 100% of relief shall be applied to each qualifying vehicle valued at \$1,000 or less and that the rate of 63% shall be applied to first \$20,000 in value of each qualifying vehicle with a value above \$1,000. Those rates of relief are estimated to exhaust PPTRA relief funds available to the County of Montgomery, Virginia, by the Commonwealth of Virginia for Tax Year 2007.

FURTHER BE IT RESOLVED, That any amount of PPTRA relief not used within the County of Montgomery's Fiscal Year shall be carried forward and used to increase the funds available for personal property tax relief in the following Fiscal Year.

The vote on foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
Gary D. Creed	
John A. Muffo	
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
Steve L. Spradlin	

R-FY-08-13
RESOLUTION AUTHORIZING A REQUEST
TO THE VIRGINIA GENERAL ASSEMBLY
FOR REIMBURSEMENT OF THE COST OF
JAIL PERSONNEL HIRED PRIOR TO THE OPENING
OF THE WESTERN VIRGINIA REGIONAL JAIL

On a motion by Doug Marrs, seconded by James D. Politis and carried unanimously,

WHEREAS, Roanoke County, Franklin County, Montgomery County, and the City of Salem have entered into a cooperative agreement and formed the authority pursuant to 53.1-95.2 of the Code of Virginia (1950) as amended, to construct and operate the regional jail on behalf of the four localities, and

WHEREAS, The jail project has been approved by the Board of Corrections and is eligible for reimbursement up to fifty percent (50%) of eligible project costs of the regional jail facility pursuant to 53.1-81 of the Code of Virginia (1950) as amended; and

WHEREAS, The regional jail is under construction and is anticipated to open on March 9, 2008; and

WHEREAS, Staffing costs incurred by the Authority prior to the opening of the facility are not eligible for reimbursement; and

WHEREAS, The three local jails will remain in operation and will retain their staff; and

WHEREAS, The regional jail will hire a total of 193 new staff and the majority of this staff must be hired by September 2008 to allow new officers to complete the basic corrections academy as mandated by the Department of Criminal Justice Services; and

WHEREAS, The Authority is responsible to fund \$5,554,460 in FY 2008-2009 for start up staffing costs including fringe benefits.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF MONTGOMERY COUNTY, VIRGINIA,

That it hereby supports a formal request to our legislators and General Assembly to include \$3,187,931 in the 2008-2009 Governor's budget to supplement the Western Virginia Regional Jail Authority's start-up costs of \$5,554,460 for new employees hired before the scheduled opening of the jail. The early hiring of staff will allow new officers to complete the corrections academy and other specialized training as mandated by the Department of Criminal Justice Services prior to the opening of the new jail.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby authorizes the County Administrator, or his designee, to execute such documents and to take such actions as may be necessary to accomplish the purpose of this resolution.

The vote on foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
John A. Muffo	None	Annette S. Perkins
Gary D. Creed		
Mary W. Biggs		
Doug Marrs		
James D. Politis		
Steve L. Spradlin		

R-FY-08-14
RESOLUTION APPROVING THE
FY 2007-2008 POSITION
CLASSIFICATION PLAN

On a motion by John A. Muffo, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves and authorizes the FY 2007-2008 Position Classification Plan.

The vote on foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
James D. Politis	
John A. Muffo	
Steve L. Spradlin	

A-FY-08-32
INFORMATION MANAGEMENT SERVICES
TRANSFER FROM GENERAL CONTINGENCIES

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:		
950	General Contingencies	(\$180,000)
TO:		
140	Information Management Services	\$180,000

Said resolution transfers funds from General Contingencies to Information Management Services to cover the cost of two new positions and change in classification of an existing position.

The vote on foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
Mary W. Biggs	
Doug Marrs	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Steve L. Spradlin	

R-FY-08-15
RESOLUTION AMENDING THE
FY 2007-2008 POSITION
CLASSIFICATION PLAN

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby approves and authorizes the following changes to the FY 2007-2008 Position Classification Plan:

Addition of a New Classification
Chief Technology Officer Pay Grade 233

BE IT FURTHER RESOLVED, The Board of Supervisors authorizes the County Administrator to extend the hiring range to 5% above the midpoint of the range.

The vote on foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
Steve L. Spradlin	

R-FY-08-16
RESOLUTION ESTABLISHING SECTION 138
RETIREMENT MULTIPLIER OF 1.85%
FOR PUBLIC SAFETY EMPLOYEES

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, By resolution legally adopted and approved by the Montgomery County Board of Supervisors, a political subdivision, participates in the Virginia Retirement System under § 51.1-130 of the Code of Virginia, as amended; and

WHEREAS, By resolution or resolutions legally adopted and approved by the Board of Supervisors, the Board has elected to provide the enhanced benefits described in § 51.1-138, subsection B to selected public safety employee groups, such benefits being referred to collectively as "Section 138 Coverage"; and

WHEREAS, The Virginia General Assembly passed legislation effective July 1, 2007, allowing Montgomery County to elect to provide for its employees with Section 138 Coverage a retirement allowance equal to the amount of creditable service multiplied by 1.85 percent of average final compensation as provided in clause (ii) in subsection A (1) of § 51.1-206 (the “1.85 Multiplier”); and

WHEREAS, Montgomery County Board of Supervisors desires to make this irrevocable election and provide the 1.85 Multiplier to its employees that now have, or may in the future be given, Section 138 Coverage.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of the County of Montgomery, Virginia elects to establish the 1.85 Multiplier for all employees who are now, or who may be in the future, provided Section 138 Coverage.

BE IT FURTHER RESOLVED, That the Board of Supervisors agrees to pay the employer cost for providing the 1.85 Multiplier to all employees who are now, or who may be in the future, provided Section 138 Coverage, pursuant to this irrevocable election.

BE IT FURTHER RESOLVED, That the Board of Supervisors hereby authorizes and directs the County Administrator to execute any required contract to carry out this irrevocable election, and to do any other thing, or things, incident and necessary in the lawful conclusion of this matter.

The seal of Montgomery County, Virginia shall be affixed to any such contract and attested by the Clerk, and the Treasurer of Montgomery County is authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as may be required to be paid by Montgomery County or its employees for this purpose.

This resolution shall be effective January 1, 2008.

The vote on foregoing resolution was as follows:

AYE

Doug Marrs
James D. Politis
John A. Muffo
Gary D. Creed
Annette S. Perkins
Mary W. Biggs
Steve L. Spradlin

NAY

**R-FY-08-17
RESOLUTION OF APPRECIATION
JULIA TEANY BRATTON
OFFICER OF ELECTIONS**

On motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, *Julia Teany Bratton* has served Montgomery County citizens as an Officer of Election from 1961 until 2006, and

WHEREAS, During her 45 years of service the total number of registered voters in Montgomery County has grown from approximately 17,778 in 1961 to 46,995 in 2006; and

WHEREAS, *Julia Teany Bratton* assisted in the administration of 75+ elections, worked with paper ballots, lever machines and touch screen machines during her tenure, moved to numerous polling places to meet the needs of our citizens, and dealing with the continuous changes in election law; and

WHEREAS, The Board of Supervisors fully recognizes the hard work and dedication ***Julia Teany Bratton*** has demonstrated in her 45 years of service to the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, expresses its appreciation and gratitude to ***Julia Teany Bratton*** for her outstanding dedication to the citizens of Montgomery County.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to ***Julia Teany Bratton*** and that a copy be made a part of the official minutes of Montgomery County.

The vote on foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
James D. Politis	None
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
Steve L. Spradlin	

**R-FY-08-18
APPOINTMENT
TRANSPORTATION SAFETY COMMISSION**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Kim Crannis, the Town of Blacksburg Police Chief**, to the Transportation Safety Commission effective August 14, 2007 and expiring August 13, 2010.

The vote on foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
James D. Politis	
Steve L. Spradlin	

**R-FY-08-19
APPOINTMENT
TRANSPORTATION SAFETY COMMISSION**

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Mark Sisson, the Town of Christiansburg Police Chief**, to the Transportation Safety Commission effective August 14, 2007 and expiring August 13, 2010.

The vote on foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
James D. Politis	
Steve L. Spradlin	

COUNTY ATTORNEY'S REPORT

Real Estate Auction – Delinquent Tax The County Attorney reported that 22 parcels of real estate in Montgomery County are being sold for delinquent tax collection at an auction on Friday, August 31, 2007, 12:00 Noon at the Montgomery County Government Center. Linkous Auctioneers will be conducting the auction on behalf of Montgomery County.

COUNTY ADMINISTRATOR'S REPORT

Sponsorship Request- Recognition of Sports Team

The County Administrator reported several members of the Board of Supervisors received a request from a local sports team that won a state qualifying tournament to represent the State of Virginia at a national championship tournament for funds to assist in their fundraising efforts. The Blacksburg Dixie League – Boys 9-10 years old won the state tournament and participated in the National Championship Tournament

In the past, the County has not provided any type of donations to local sports teams. If the Board wishes to proceed in this matter, the County Administrator recommended a policy be adopted on requirements that local sports teams would have to meet. For example, the team must be comprised of at least 90% of members from Montgomery County, teams must win a state tournament, and the Board will provide \$100 sponsorship to individuals and \$500 to teams.

Supervisor Creed commented that the Board of Supervisors is not a corporation. The County has not sponsored any local teams in the past and he does not believe they should start. He does not believe taxpayers money should be used towards contributions of this nature. He personally has donated money in the past and will continue to do so to help the children in the community.

Chair Spradlin asked that staff draft a proclamation in recognition of the Dixie League for their accomplishment for winning the state title and participating at the national tournament. Also, another major accomplishment was winning the World Series Sportsmanship Award.

BOARD MEMBERS' REPORTS

Supervisor Creed asked that when the County and the Friends of Animal Control and Care (FACC) discuss the construction of a new facility they also take into consideration the need for a cat facility.

The County Administrator responded that any facility would have to meet state requirements and consideration will be given for cats.

Supervisor Perkins reported that she was one of the Board members that was approached by the Dixie League requesting sponsorship. She asked that the Board consider adopting a policy on this matter. By Board consensus, the County Administrator was instructed to add this matter to the August 27th agenda.

Supervisor Muffo expressed appreciation to the Friends of Animal Control and Care for their dedication and hard work in increasing the hours at the Animal Shelter and for all of their fundraising events.

Supervisor Biggs also expressed appreciation to FACC for all their hard work.

Virginia Association of Counties – Supervisor Biggs reported she attended the VACo Education Steering Committee meeting held in Richmond. They discussed Governor Kaine's 4 Year Old Pre-School Initiative Plan. The Committee discussed concerns of cost, space, and private/public participation.

Supervisor Biggs also submitted several brochures and pamphlets related to Freedom of Information Act and Virginia Retirement System from seminars that were held during the VACo meeting, to be forwarded to the Board.

VACo's American Electric Power Committee – Supervisor Biggs asked if the County had any representation on the AEP Committee. The County Administrator responded that the County does not have representation on the Committee; however, Lance Terpenney, Christiansburg Town Manager, is on the Committee and Montgomery County does frequently receive information.

Supervisor Marrs reported he attended the VACo Transportation Steering Committee meeting held in Richmond. He reported that Norfolk Southern's proposed Intermodal Facility was not on the agenda for discussion; however, he did bring it to the Committee's attention. He asked their support on Delegate Nutter's proposed House Bill # 2233, which requires the local governing body's support for projects before Rail Enhancement Funds can be appropriated to projects affecting that locality. The Committee responded that this matter was on the agenda for VACo's Community Planning and Land Use; however they would put this matter on the Transportation Steering Committee's November 2007 agenda for discussion.

Supervisor Spradlin announced the Prices Fork Fair is scheduled for August 17-19, 2007. This will be their 75th anniversary and fire works are scheduled for Saturday, August 18th.

ADJOURNMENT

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Monday, August 27, 2007 at 6:00 p.m.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
James D. Politis	
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
Gary D. Creed	
Steve L. Spradlin	

The meeting adjourned at 10:50 p.m.

APPROVED: _____	ATTESTED _____
Steve L. Spradlin Chair	B. Clayton Goodman, III County Administrator